

REMARKS

The restriction is traversed on the grounds that, e.g., a search of all the claims would not be an undue burden since the claims in the application all relate to hydrofluoric acid etching solutions. Thus, a search would comprise overlapping subject matter. If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits. See, M.P.E.P. 803. Accordingly, withdrawal of the restriction is respectfully requested.

In any case, Applicant intends to request rejoinder of the methods of making and using etching solutions of the present invention, once such etching solutions are indicated as allowable. See, e.g., M.P.E.P. 821.04, "Rejoinder."

Support for new claims 15 and 16 can be found throughout the specification.

The Rejections Under 35 USC § 112 :

Claim 8 has been rejected under 35 USC § 112, 2nd paragraph. It is believed that amendments to the claims render this rejection moot.

Thus, the rejection under 35 USC § 112 should be withdrawn.

The Rejections Under 35 USC § 102 and §103:

Claims 1, 3, 4, 5 and 7 were rejected under 35 USC § 102 as being unpatentable over Deckert et al. (US 4,269,654) or in the alternative, under 35 USC §103 as being obvious over Deckert et al.

Deckert et al. teaches a special etching solution for the etching of silicon nitride layers on silicon oxide. The solution etches silicon nitride at a rate equal to or much faster than the silicon oxide.

As is noted in the specification at Table 1 on page 5, the etching solutions of the present invention selectively etch doped silicate layers and enable the selectivities and

uniformity of etching to be significantly improved.

Deckert is absent any specific example or a suggestion of an etching solution having a solvent mixture of any type. He employs only single solvents. There is nothing in Deckert suggesting to use at least two solvents selected from ethylene glycol, propylene glycol, ethanol, or glycerol for this purpose or any other.

Thus, there is no mention, motivation or guidance in '654 to direct one skilled in the art to make the changes necessary to arrive at the present invention. In the office action it is alleged that Deckert teaches that glycerol and ethylene glycol are functional equivalents. If true, this might lead one skilled in the art to interchange them, but would not give one skilled in the art a hint, to mix them for any reason, especially not to achieve the selectivity and uniformity of etching that is achieved by mixing them per this invention.

Thus, the 35 U.S.C. §102 and §103 rejections should be withdrawn.

It is submitted that the claims of the application are in condition for allowance. However, should the Examiner have any questions or comments, he is cordially invited to telephone the undersigned at the number below.

Respectfully submitted,

Anthony J. Zelano, Reg. No. 27,969
Attorney for Applicants


Jennifer Branigan, Reg. No. 40,921
Agent for Applicants

MILLEN, WHITE, ZELANO & BRANIGAN, P.C.
Arlington Courthouse Plaza 1
2200 Clarendon Boulevard, Suite 1400
Arlington, VA 22201
Direct Dial: 703-812-5305
Facsimile: 703-243-6410
Email: jbranigan@mwzb.com

JJB

Filed: **8 December 2003**